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Paper No. 2

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OFFICE OF PETITIONS

In re Application of	:	
Mark A. Gummin et al	:	DECISION GRANTING
Application No. 10/056,233	:	PETITION
Filed: December 3, 2001	:	
Attorney Docket No. 6100	:	

This is a response to the paper styled "REQUEST TO CORRECT FILING DATE" filed April 8, 2002, which is being treated as a submission under 37 CFR 1.6(e) requesting that the above-identified application be accorded a filing date of December 3, 2001, rather than the currently accorded filing date of January 28, 2002.

The request is granted.

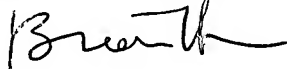
The Patent and Trademark Office (the "Office") is aware that, as a result of the events of September 11, 2001, certain post offices refused to accept the deposit of mail for delivery by Express Mail service. The Office designated that interruption in Express Mail service of the United States Postal Service (the "USPS") as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). See the notice entitled "United States Postal Service Interruption and Emergency," 1251 Off. Gaz. Pat. Office 55 (October 9, 2001.)

The instant submission states that an attempt to deposit the above-identified application with the USPS using the Express Mail service was made on December 3, 2001, but the Express Mail to the USPTO's zip code was "embargoed." In support, applicants' provided a copy of the sales receipt stamp dated December 3, 2001, a statement from the attorney of the record and the memo to the inventors. Based on the submission filed April 8, 2002, it is concluded that the above-identified application would have been filed on December 3, 2001, if it were not for the designated interruption in the USPS.

In accordance with 37 CFR 1.6(e), the above-identified application will be granted a filing date of December 3, 2001.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 3, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


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Office of the Deputy Commissioner
for Patent Examination Policy